

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff/Respondent,**

**v.**

**No. 13-cv-0287 WJ/SMV  
03-cr-0568 WJ**

**GABRIEL DAVID GOMEZ,**

**Defendant/Petitioner.**

**ORDER DENYING DEFENDANT'S MOTION TO STAY**

THIS MATTER is before the Court on Defendant/Petitioner's Motion to Stay Section 2255 Proceeding [CV Doc. 71; CR Doc. 719], signed by Defendant on August 11, 2015, and docketed on August 18, 2015. Although the Court dismissed Defendant's 28 U.S.C. § 2255 Petition on August 14, 2015 [CV Doc. 68; CR Doc. 716], Defendant moves to stay the § 2255 proceedings for 140 days in order to give him time to take formal action on what he believes is misconduct by the judges for the District of New Mexico and for the Tenth Circuit Court of Appeals.<sup>1</sup> [CV Doc. 71; CR Doc. 719]. These reasons do not warrant a stay, especially considering that they are *entirely unrelated* to the reasons that the § 2255 Petition was dismissed, i.e., that the § 2255 Petition is time-barred. *See* [CV Doc. 58; CR Doc. 706] (magistrate judge's recommendation of May 15, 2015, to dismiss the Petition as time-barred); [CV Doc. 71; CR Doc. 719] (Order Adopting magistrate judge's recommendation).

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<sup>1</sup> Specifically, Defendant requests a stay of 140 days so that he can (1) file a motion to disqualify all of the judges for the District of New Mexico and the Tenth Circuit Court of Appeals and also to transfer the proceedings elsewhere; (2) make a formal complaint to the Judicial Council of the Tenth Circuit for the circuit judges' alleged misconduct; (3) make a formal complaint to the House Judiciary Committee and Office of General Counsel for the Administrative Office of the Courts; and (4) file a motion to "recall and vacate" the Tenth Circuit's orders on his appeals and petition for writ of mandamus. [CV Doc. 71; CR Doc. 719].

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Defendant/Petitioner's Motion to Stay Section 2255 Proceeding [CV Doc. 71; CR Doc. 719] is **DENIED** *nunc pro tunc* to August 11, 2015.

IT IS SO ORDERED.



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STEPHAN M. VIDMAR  
United States Magistrate Judge